



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Meeting Date: May 4, 2015

Reference Name	Guglhupf (A1400007)		Review Jurisdiction	City
Applicant	Howard A. Partner R.L.A.			
Proposed Future Land Use Map Amendment	From: Medium Density Residential (6-12 DU/Ac.) To: Commercial			
Site Characteristics	Tier:	Urban		
	Present Use:	Vacant		
	Size of Future Land Use Amendment:	0.4 acres		
	Size of Zoning Map Change:	0.4 acres		
Location	North of Durham-Chapel Hill Boulevard, East of Chapel Hill Road, West of James Street, south of Francis Street			
Overlay District(s)	Tuscaloosa-Lakewood Neighborhood Protection Overlay (NPO)			
PIN(s)	0810-08-99-9569 (partial)			
Recommendation	Staff	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.		
	Planning Commission	Approval, March 10, 2015, 12-0, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments.		

A. Summary

The applicant, Howard A. Partner R.L.A., requests an amendment to the Future Land Use Map from Medium Density Residential (6-12 DU/Ac.) to Commercial. The site comprises the western one-fifth of one parcel (PIN# 0810-08-99-9569) located north of Durham-Chapel Hill Boulevard, east of Chapel Hill Road, and west of James Street. The purpose of the amendment is to provide for a commercial parking lot to serve existing businesses at that location. The zoning map change associated with this plan amendment is case Z1400027.

B. Site History

The site was designated Medium Density Residential (6-12 DU/Ac.) on the Future Land Use Map adopted by the Durham City Council in 2005. The future land use designation follows the Zoning Map designations for the parcel, with the eastern portion of the parcel designated General Commercial (CG) and the western portion Residential Suburban-8 (RS-8). Guglhupf Bakery and Café has operated at the location since 1998.

An application to amend the future land use designation (case A05-14) to Commercial, as well as a zoning map change request (Z05-29) to Commercial General with a development plan (CG(D)), was submitted in 2005. In that case, staff recommended approval while the Planning Commission recommended denial. The case was withdrawn on February 6, 2006, and was not heard by the City Council.

Subsequent to the 2005 application, the Tuscaloosa-Lakewood Neighborhood Protection Overlay (NPO) district was adopted on April 21, 2008. More information about the overlay and its requirements is described in the zoning map change staff report.

C. Existing Site Characteristics

The site comprises the western one-fifth of a parcel currently occupied by commercial uses. Commercial uses are also present to the south and east of the site. Land to the west of the site fronting Francis Street is vacant. Land to the north of the site is single-family residential.

D. Applicant's Plan Amendment Justification

The applicant states that parking at the site is frequently at or near capacity and that limited parking encourages traffic congestion within the parking lot and excess vehicle ingress and egress onto and from Chapel Hill Boulevard. The applicant further states that traffic and parking along Francis and Lexington Streets to the north of the site are increased by Guglhupf customers seeking parking options.

According to the applicant, resultant traffic congestion presents a threat to the health, safety, and welfare of the general public. The applicant asserts that expansion of the parking lot for the commercial business on the parcel will alleviate these problems. Staff has confirmed that the parking area, as currently configured, is frequently near or at capacity during the existing business's hours of operation.

According to the applicant, the proposed land use is more compatible with surrounding uses than the designated future land use. Staff concurs that a commercial designation for the remainder of the parcel is in keeping with the character of the commercial corridor along Durham-Chapel Hill Boulevard.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section

3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject site is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed Plan Amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Table 1: Relevant <i>Comprehensive Plan</i> Objectives and Policies
<i>Policy 2.2.4f. Urban Tier Commercial Infill.</i> Through the Unified Development Ordinance, provide opportunities for neighborhood-scale commercial node and linear development, intended to be directly accessible from surround residential neighborhoods.
<i>Policy 2.3.1e. Expansion of Commercial Nodes.</i> Through the Unified Development Ordinance, and in evaluating requests for expansions to existing commercial nodes, require that the proposed development be designed to be integrated with the rest of the existing node to promote pedestrian and vehicular circulation. (See Policy 4.2.3a, Commercial Development Design).
<i>Policy 2.3.4d. Infill Development Standards.</i> Through the Unified Development Ordinance, encourage and promote compatible residential and nonresidential infill on vacant or under-utilized property within developed portions of the community to reinforce the existing character. Include provisions for contextual design of both residential and nonresidential infill projects in the Urban and Compact Neighborhood Tiers. Encourage adaptive reuse of existing buildings in these tiers as well. (see Policy 4.3.2a, Infill Development Standards)
<i>Policy 4.1.1i. Parking Standards.</i> (ii) In the Urban Tier, allow alternate parking standards and direct new surface lots to the side and rear of buildings rather than to street yards to avoid creating expanses of surface parking and encourage more walkable communities.

Policy 4.2.4.a. Parking Design Standards. *The City-County Planning Department, in conjunction with the City Transportation Department, shall review, revise, and continue to enforce design standards in order to encourage the provision of well designed, efficient, and attractive parking facilities in connection with new development projects. Explore limiting street frontages, increasing landscaping, requiring pedestrian walkways throughout parking areas, and encouraging that large lots be designed as a series of smaller lots.*

This proposal would allow for expansion of an existing business into the portion of the parcel that is currently undeveloped, thus meeting the infill standards of Policy 2.2.4.f and Policy 2.3.4.d, and as an integrated component of the existing commercial use. It is consistent with Policy 2.3.1e as an expansion of an existing node that is integrated with the existing commercial development. The proposed parking lot expansion will be placed at the rear of the site, thus meeting the standards of Policy 4.2.4.a.

Staff Conclusion: The proposed plan amendment is consistent with adopted plans and policies, thus meeting criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

The site is within the Urban Tier, and is located north of Durham-Chapel Hill Boulevard, east of Chapel Hill Road, west of James Street, and south of Francis Street. Much of the parcel of which the site is a part is zoned for commercial use, is designated commercial on the *Future Land Use Map*, and is the site of an existing commercial use, with access to Durham-Chapel Hill Boulevard.

Existing Uses: The site of the proposed plan amendment is bordered on the north by a single-family residential neighborhood, to the west by vacant land, and south and east by commercial uses.

Future Land Use Designations: Land to the north and west of the proposed plan amendment is designated Medium Density Residential (6-12 DU/Ac.). Land to the east and south is designated Commercial.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Single-family residential	Medium Density Residential (6-12 DU/Ac.)
East	Commercial	Commercial
South	Commercial	Commercial
West	Vacant	Medium Density Residential (6-12 DU/Ac.)

Analysis: Amending the future land use designation of the site, from Medium Density Residential (6-12 DU/Ac.) to Commercial, would be consistent with the designated use

for the remainder of the parcel and would be compatible with the commercial character along Durham-Chapel Hill Boulevard. Required buffering standards in the Unified Development Ordinance will provide a landscaped separation between the parking lot for the commercial uses along Durham-Chapel Hill Boulevard and the single-family residential neighborhood to the north. The proposed future land use for the site is compatible with surrounding designated uses. Therefore, the proposal promotes an orderly development pattern.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7B.

3. Adverse Impacts

Infrastructure:

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Analysis: The site could accommodate the proposed use. Existing infrastructure, such as road, water, and sewer capacity, is sufficient to accommodate potential impacts. Further detail is provided in the zoning map change report.

Future Demand for Land Uses:

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

The site could accommodate two housing units under its current future land use designation, Medium Density Residential (6-12 DU/Ac.). The proposed amended designation, Commercial, could accommodate approximately 30 parking spaces for an existing business at the location. The proposed amendment would have negligible effect on projected demand for residential or commercial land.

Staff Conclusion: The proposed amendment would have negligible effect on projected demand for residential or commercial land and, therefore, meets criterion 3.4.7C.

4. Adequate Shape and Size

The area requested for amendment is approximately 0.4 acres in total, and is of sufficient shape and size for commercial development in the Urban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Fayetteville Street Planning Group
- Inter-Neighborhood Council
- Unity in the Community for Progress
- Friends of Durham
- Tuscaloosa-Lakewood Neighborhood

G. Recommendation

Staff finds there are circumstances to warrant amending the Future Land Use Map, and that the request meets the four criteria for plan amendments, and therefore recommends approval of the request.

Planning Commission recommended approval, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments, 12-0, on March 10, 2015. Planning Commission comments are included in Attachment 5.

H. Staff Contacts

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I. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context Map
Attachment 3, Aerial Map
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Comments
Attachment 6, Comprehensive Plan Amendment Resolution